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## FACSIMILE TRANSMISSION

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From : Mathew P. Anderson  
Email Address : manderson@foley.com  
Sender's Direct Dial : 414.297.5572  
Date : September 20, 2004  
Client/Matter No : 73328-122  
User ID No : 3757  
Application Serial No. 10/050,203

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## MESSAGE:

Re: Notification of Error in Payment of Fees as a Small Entity

On Friday, September 17, I spoke with Derek Woods from the Office of Petitions regarding the above-referenced application. During our discussion, he noticed that a petition entitled "Notification of Error in Payment of Fees as a Small Entity (37 C.F.R. § 1.28(c))" which was filed in the above-referenced application on January 15, 2004 had not been captured in the PTO's electronic data capture system. He did note, however, that PAIR indicates that the PTO received the petition. Nevertheless, no apparent action has been taken on the part of the PTO in connection with the petition. Accordingly, Mr. Woods suggested that I resubmit the petition to ensure that it gets captured in the PTO's electronic data capture system and that it gets acted upon. In accordance with Mr. Woods' instructions, I am hereby resubmitting the petition entitled "Notification of Error in Payment of Fees as a Small Entity (37 C.F.R. § 1.28(c))" that was originally submitted on January 15, 2004. Please take whatever steps are necessary to ensure that the petition is appropriately recorded and that the substance of the petition is considered and acted upon.

Best regards, Mathew Anderson Reg. No. 54,589

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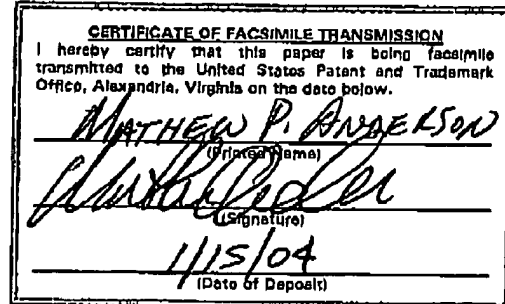
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Atty. Dkt. No. 073328-0122 RECEIVED  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Gregory J. Sesselmann  
**Title:** ODOR ABSORBING STORAGE  
DEVICE  
**Appl. No.:** 10/050,203  
**Filing Date:** 1/16/2002



**NOTIFICATION OF ERROR IN PAYMENT OF FEES AS A SMALL ENTITY (37 C.F.R. § 1.28(c))**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Attn: Office of Petitions

Pursuant to 37 C.F.R. § 1.28(c), Applicant hereby seeks excusal of the erroneous establishment of small entity status and the erroneous payment of small entity fees. This Notification is being submitted as a separate submission and includes an itemization of the total deficiency payment. This deficiency payment is being submitted promptly upon the realization that Applicant is not entitled to small entity status.

Pursuant to 37 C.F.R. § 1.28(c)(2)(ii), the following is an itemized list of the fees erroneously paid as a small entity and a calculation of the deficiency owed for each item as well as the total deficiency owed.

Attorney Dkt. No.	App. No.	Description of Incorrectly Paid Small Entity Fee	Small Entity Fee Paid	Date of Payment	Current Non-Small Entity Fee	Deficiency
73328-122	10/050,203	Basic Filing Fee	\$370	1/16/2002	\$770	\$400
		Extra Claims Fee	\$369	1/16/2002	\$738	\$369
		Extra Independent Claims Fee	\$84	1/16/2002	\$182	\$98
		Missing Parts Fee	\$65	4/5/2002	\$130	\$65
				Total Deficiency Due =		\$932

Atty. Dkt. No. 073328-0122

Applicant hereby notifies the Office that it is not entitled to status as a Small Entity. Fees paid presently and henceforth all fees will be paid based on large entity status.

Please charge the total deficiency owed of \$932 to Deposit Account No. 06-1447.

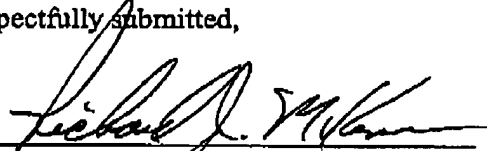
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.18, and 1.20, or credit any overpayment, to Deposit Account No. 06-1447.

Respectfully submitted,

Date

Jan. 15, 2004

By



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